

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 22-11379
Jennifer C. Powers	:	Chapter 13
	:	Judge Patricia M. Mayer
Debtor(s)	:	*****
	:	
U.S. Bank National Association	:	Related Document # 35 & 41
	:	
Movant,	:	
vs	:	
	:	
Jennifer C. Powers	:	
Robert Powers	:	
Kenneth E. West	:	
Respondents.	:	

CERTIFICATE OF DEFAULT

Now comes U.S. Bank National Association, its successor and assigns (hereinafter, "Creditor") by and through counsel, and certifies to this Court that Jennifer C. Powers ("Debtor") has failed to comply with the Order approving the stipulation dated January 19, 2023, a copy of which is attached hereto as Exhibit "A", by failing to make timely payments in accordance with the stipulation. Pursuant to the Order, the automatic stay will terminate upon the filing of the Certificate of Default.

Creditor hereby avers that Debtors are delinquent for the August 1, 2023 payment and for all arrears that were due thereafter. Further, pursuant to the terms of the stipulation, Creditor provided Debtors and their Counsel with a Notice of Default on November 29, 2023, allowing Debtors ten (10) days to cure this default. A copy of said default letter is attached hereto as Exhibit "B". Ten (10) days have passed and the default has not been cured.

WHEREFORE, upon the filing of the Certificate of Default, Creditor requests that the Court enter an order terminating the automatic stay and co-debtor stay pursuant to 11 U.S.C § 1301.

Respectfully submitted,

/s/Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Alyk L. Oflazian.

Contact email is

ALOflazian@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 22-11379**
Jennifer C. Powers : **Chapter 13**
: **Judge Patricia M. Mayer**
Debtor(s) : * * * * *
:
U.S. Bank National Association : **Related Document # 35 & 41**
Movant, :
vs :
:
Jennifer C. Powers :
Robert Powers :
Kenneth E. West :
Respondents. :

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Certificate of Default was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Jennifer C. Powers, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Jennifer C. Powers and Robert Powers, 2138 6th Avenue, Morton, PA 19070

/s/Alyk L. Oflazian

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	Case No.: 22-11379
Jennifer C. Powers	:	Chapter 13
	:	Judge Eric L. Frank
Debtor(s)	:	*****
	:	
U.S. Bank National Association	:	Date and Time of Hearing
Movant,	:	January 17, 2023 at 09:30 a.m.
vs	:	
	:	Place of Hearing
Jennifer C. Powers	:	U.S. Bankruptcy Court
Robert Powers	:	900 Market Street, Suite 400, Courtroom #1
	:	Philadelphia, PA, 19107
Kenneth E. West	:	
Respondents.	:	Related Document # 35

STIPULATION FOR SETTLEMENT OF CREDITOR U.S. BANK NATIONAL ASSOCIATION MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY FOR PROPERTY LOCATED AT 2138 6TH AVENUE, MORTON, PA 19070 (DOCKET # 35)

This matter coming to be heard on the *Motion for Relief from Stay and Co-Debtor Stay* (Dkt. #35) which was filed in this court by U.S. Bank National Association ("Movant"), Movant and Jennifer C. Powers by and through counsel ("Debtor"), have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Movant; and Parties stipulate to the following and request a Court order confirming the same:

1. The Parties agree that the Chapter 13 Plan ("Plan") filed herein on behalf of Debtor provided that said Debtor was to make regular monthly mortgage payments to Movant outside of the Plan in a regular monthly fashion.
2. The Parties agree that in breach of said Plan, Debtor failed to make regular monthly mortgage payments to Movant and is currently in default for the months of October 2022 through January 2023, incurring a total post-petition arrearage of \$7,176.72 which consists of 2 post-petition payments for October 1, 2022 through November 1, 2022 at \$1,773.56 each and 2 post-petition payments for December 1, 2022 through January 1, 2023 at \$1,814.80 each. There is \$248.99 in suspense, which reduces the total post-petition arrearage to \$6,927.73.
3. Debtor shall repay the total post-petition arrearage of \$6,927.73 directly to the Chapter 13 Trustee who shall then disperse the funds to Creditor.

4. Debtor shall submit ongoing monthly mortgage payments directly to the Creditor starting with the February 1, 2023 post-petition payment and must continue to make timely post-petition mortgage payments directly to Movant in a regular monthly fashion..
5. Debtor shall file a modified Chapter 13 Plan wherein the post-petition arrearage for the months of October 2022 through January 2023 is included in the Plan. Debtor shall file the Motion to Modify Chapter 13 Plan within thirty (30) days of the Court Order approving this stipulation.
6. Movant is permitted to file a Supplemental Proof of Claim in the amount of \$6,927.73 representing the total post-petition delinquency. The Supplemental Proof of Claim shall be paid as a secured claim through the Chapter 13 Plan.
7. Payments shall be sent to:

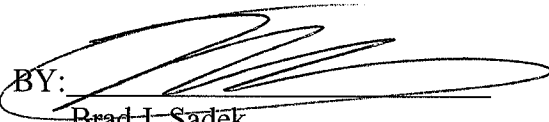
U.S. Bank National Association
4801 Frederica Street
Owensboro, KY 42301-0000.
8. The following are events of default under this Stipulation:
 - a. Debtor's failure to file a Modified Chapter 13 Plan within 30 days of the Court Order approving this stipulation;
 - b. Debtor's failure to remit any future monthly mortgage payment on or before the date on which it is due;
9. In the event of a Default, Movant shall send a Notice specifying the Default, to Debtor and Debtor's counsel ("Notice"), allowing Debtor ten (10) days to cure the Default ("Cure Opportunity"). If the Default is not cured, Movant shall file a Certification of Default with the Court. The automatic stay shall be terminated as to Movant, its principals, agents, successors and/or assigns as to the subject property upon the Court's entry of an Order granting Movant's Certification of Default.
10. If Movant has to send a Notice of Default, the Debtor shall pay \$100.00 per notice, as attorney fees, in addition to whatever funds are needed to cure the default prior to the expiration of the allowed cure period.
11. This Stipulation remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates their case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
12. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

MANLEY DEAS KOCHALSKI LLC

Dated: 1/12/2023

BY: /s/Alyk L. Oflazian
Alyk L. Oflazian (312912)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611; Fax 614-627-8181
Email: ALOflazian@manleydeas.com
Attorney for Creditor

Dated: 1/12/23

BY: 
Brad J. Sadek
Sadek and Cooper
1500 JFK Boulevard, Ste 220
Philadelphia, PA 19102
Email: brad@sadeklaw.com
Attorney for Debtor

I do not object to the foregoing Stipulation
without prejudice to any of our rights and remedies

/s/ Kenneth E. West by LeRoy W. Etheridge

Kenneth E. West
1234 Market Street - Suite 1813
Philadelphia, PA 19107

ORDER

The foregoing Stipulation is **APPROVED**.

Date: 1/19/23



ERIC L. FRANK
U.S. BANKRUPTCY JUDGE



November 29, 2023

Brad J. Sadek
1500 JFK Boulevard, Ste 220
Philadelphia, PA 19102

Re: U.S. Bank National Association v.
Jennifer C. Powers
Case No. 22-11379
Our File No. 22-015067

Dear Brad J. Sadek:
Please be advised that your client, Jennifer C. Powers, has failed to comply with the Agreed Order entered into on January 19, 2023 on behalf of the above referenced Debtor.

The Debtor is currently behind as follows:

	Amount	# of Pmts Behind	Total
Regular Mortgage Payments for August 2023 - November 2023	\$1,814.80	4	\$7,259.20
NOD Fee	\$100.00	1	\$100.00
Less Suspense	-\$248.99		-\$248.99
TOTAL:			\$7,110.21

Please note that this letter serves as a Notice of Default and opportunity to cure the arrearage stated above. **Your clients will have ten (10) days from the date of receipt of this letter in which to remit the funds listed above. If no response is received within ten (10) days, the Stay will automatically terminate without further notice or motion, upon the filing of a Certification of Default.**

Funds must be remitted directly to the creditor. If sending payment by mail, the creditor's address can be found in the Proof of Claim. Do not remit funds to Creditor's counsel.

Should you have any questions regarding this matter, please do not hesitate to contact me at 614-220-5611.

Very truly yours,
Alyk L. Oflazian

CC: Jennifer C. Powers

22-015067_SJW

2138 6th Avenue
Morton, PA 19070